**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 47 SO AS TO REQUIRE A PERSON TO REGISTER A FERTILE PIT BULL DOG THEY KEEP, OWN, OR HARBOR, TO ESTABLISH A BREED DETERMINATION PROCEDURE, TO PROVIDE EXCEPTIONS FROM REGISTRATION, AND TO PROVIDE PENALTIES.

Whereas, the pit bull dog is the most desired breed for dogfighting and is dying at a higher rate in local animal shelters than any other breed of dog in South Carolina; and

Whereas, fertile dogs are more likely to be territorial and therefore more likely to bite. Most dog bite fatalities are committed by dogs that were not altered; and

Whereas, requiring registration to own a fertile pit bull dog would provide a safety component for the public and the dog. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 3, Title 47 of the 1976 Code is amended by adding:

“Article 17

Pit Bull Dogs

Section 47‑3‑1100. As used in this article, the term:

(1) ‘Altered pit bull dog’ means a pit bull dog that has been sterilized and microchipped.

(2) ‘Fertile pit bull dog’ means a pit bull dog that has not been sterilized and is not microchipped.

(3) ‘Governmental animal control agency’ or ‘agency’ means the agency designated by a city or county to administer ordinances regulating, restricting, or prohibiting the possession of dogs. It may be a municipal or county animal control agency, county sheriff, or other designated agency. A municipal animal control agency is deemed to be the governmental animal control agency in incorporated areas of a county, where applicable. A county animal control agency is deemed to be the governmental animal control agency in unincorporated areas of a county and in municipalities that do not operate an animal control agency.

(4) ‘Pit bull dog’ means a dog that is an American pit bull terrier, American Staffordshire terrier, Staffordshire bull terrier, a dog displaying the physical traits of one or more of the above breeds, or a dog exhibiting the distinguishing characteristics that conform to the standards established by the American Kennel Club for any of the above breeds.

Section 47‑3‑1110. (A) A person in this State may not keep, own, or harbor a fertile pit bull dog without registering it with a governmental animal control agency. Registration is not required for an altered pit bull dog.

(B) The fee for the registration is five hundred dollars.

Section 47‑3‑1120. (A) A person may request to have the governmental animal control agency determine if his dog is a pit bull dog and therefore subject to the provisions of this article. The agency shall deliver written notice of the determination to an adult residing at the premises where the dog is located or by posting on the premises if no adult is present. The notice shall include the determination of the breed, mandatory sterilization and ownership requirements, and notice of the appeals process.

(B) A person must comply with the provisions of this article and submit written documentation confirming compliance within thirty days after receipt of notice of breed determination. The microchip must be registered by the governmental animal control agency.

(C) A person may appeal the decision within thirty days of receipt of the breed determination and request a hearing before the director of the governmental animal control agency or his designee. The hearing must be held no more than thirty days after the director or his designee receives the request. A person only may appeal the breed determination once.

Section 47‑3‑1130. A person may keep, own, or harbor a fertile pit bull dog if:

(1) the pit bull dog is under eight weeks of age;

(2) a licensed veterinarian has examined the dog and signed a written certificate stating that sterilization would endanger the animal’s health because of its age, infirmity, disability, or other medical issue. The certificate is only valid for one year from the date of issuance;

(3) the person has only kept, owned, or harbored the pit bull dog for less than thirty days;

(4) the person has submitted an application for registration in accordance with the provisions of this article;

(5) determination of the breed is under appeal; or

(6) the pit bull dog is a show dog that was registered by the time the dog reached six months in age and participated in one nationally recognized show in the twelve months prior to the application for exemption. The person must submit a copy of the American Kennel Club or United Kennel Club papers demonstrating the pedigree information and show dog registration and documentation showing proof of annual participation in a nationally recognized show to the governmental animal control agency.

Section 47‑3‑1140. (A) A person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars or imprisoned for not more than one year, or both.

(B) A local governmental animal control agency is authorized to enforce the provisions of this article.

(C) If the person remedies the violation within thirty days of conviction, the fine is retroactively voided.

(D) The funds collected for violations of this article must be used by the governmental animal control agency to alter pit bulls at a reduced cost.”

SECTION 2. This act takes effect upon approval by the Governor.

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